

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RAMIRO HERNANDEZ,

Plaintiff,

vs.

GREEN TREE SERVICES, et al.,

Defendants.

Case No. 2:15-cv-02084-MMD-NJK

ORDER GRANTING MOTION  
TO STAY

(Docket No. 19)

Pending before the Court is Defendant Ditech's motion to stay discovery pending resolution of its motion to dismiss. Docket No. 19; *see also* Docket No. 11 (motion to dismiss). The motion to stay was filed on January 19, 2016, but Plaintiff has failed to file a response to date. *See* Docket; *see also* Local Rule 7-2(b). The Court finds this matter appropriately resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the Court hereby **GRANTS** the motion to stay discovery.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

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1 The Court finds these factors are present here. First, the motion to dismiss is potentially case-  
2 dispositive as it challenges all pending claims. Second, the motion to dismiss can be decided without  
3 additional discovery. Third, the Court has taken a preliminary peek at the merits of the motion to  
4 dismiss and believes it will be granted.<sup>1</sup>

5 Accordingly, the motion to stay discovery, Docket No. 19, is hereby **GRANTED**. In the event  
6 that the motion to dismiss is not granted in full, the parties shall file a joint proposed discovery plan  
7 within 14 days of the issuance of the order resolving the motion to dismiss.

8 IT IS SO ORDERED.

9 DATED: February 8, 2016.

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13 NANCY J. KOPPE  
14 United States Magistrate Judge  
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26 <sup>1</sup> Conducting this preliminary peek puts the undersigned in an awkward position because the  
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits.  
28 *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is  
not intended to prejudice its outcome. *See id.*